

## SEVENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,  
May 5, 1933.

The Senate met at 2:45 o'clock p. m., pursuant to adjournment, and was called to order by President Pro Tem. Walter Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

## Committee Reports.

(See Appendix.)

## Senate Simple Resolution No. 103.

Senator Fellbaum sent up the following resolution:

Whereas, At this time the supply production of oil in the State of Texas is largely in excess of the demand for oil; and

Whereas, By reason of that fact, the price of oil has decreased to such an extent as to cause great loss to the producers, land owners and royalty owners, and that such loss will continue under the present rules and regulations governing the production and marketing of oil; and

Whereas, A large part of this great natural resource will be dissipated and wasted; and

Whereas, The Federal government is a large user of this product and will have use for the same for many years to come; and

Whereas, This natural resource should be conserved and used for and in the interest of all of the people of the United States, not only during the present generation but for generations yet to come; now therefore be it

Resolved by the Senate of the State of Texas, That it would be to the interest of the people of the State of Texas and the United States, and to the interest of the producers, land owners and royalty owners, that the Federal government acquire the East Texas Oil Field by purchasing the same from the present owners, thus conserving the millions of barrels of oil and using the same whenever necessary for the benefit of all of the people; and

Resolved further, That a copy of this resolution be sent to the proper parties at Washington.

FELLBAUM.

The resolution was read.

Senator Fellbaum received unanimous consent for the rule requiring resolutions to be referred before consideration to be suspended.

Senator Woodruff moved to substitute S. C. R. No. 57 for Simple Resolution No. 103.

Senator Sanderford raised the point of order that the substitute had previously been offered as an original resolution and could not be offered as a substitute for this resolution.

The Chair, President Pro Tem. Walter Woodul, overruled the point of order.

Senator Fellbaum raised the point of order that the subject matter of S. C. R. No. 57 was not a proper substitute for S. S. R. No. 103.

The Chair, President Pro Tem. Walter Woodul, overruled the point of order.

The substitute was adopted by the following vote:

Yea—19.

Beck.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Regan.
Hornsby.	Russek.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

## Nays—6.

Collie.	Sanderford.
Rawlings.	Small.
Redditt.	Stone.

## Present—Not Voting.

Fellbaum.

## Absent.

Blackert.	Martin.
Greer.	Oneal.
Hopkins.	

The resolution as substituted was adopted by the following vote:

## Yeas—20.

Beck.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Holbrook.	Regan.
Hornsby.	Russek.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Nays—6.

Collie.	Sanderford.
Rawlings.	Small.
Redditt.	Stone.

## Absent.

Blackert.	Martin.
Greer.	Oneal.
Hopkins.	

## Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 533.	S. B. No. 529.
S. B. No. 287.	S. B. No. 268.
S. B. No. 265.	S. B. No. 488.
S. B. No. 234.	S. B. No. 251.
S. B. No. 537.	H. B. No. 62.
S. B. No. 465.	H. B. No. 242.
S. B. No. 388.	H. B. No. 762.

## Senate Simple Resolution No. 104.

Senator Woodruff sent up the following resolution:

Whereas, It has come to the attention of the Senate of the State of Texas that certain influences are at work in Washington in an effort

to persuade the President of the United States to appoint a dictator for the oil industry, and

Whereas, The Legislature of the State of Texas has just recently had a through investigation of the oil business in Texas, and has come to the conclusion that the oil business in Texas will adjust itself in due time if let alone, and

Whereas, It is against the genius of a free people to allow dictation in the conduct of free business in our Nation; therefore be it

Resolved by the Senate of the State of Texas, That we do hereby request the President of the United States not to appoint a dictator for the oil industry so far as it may apply to the State of Texas. Other states may want a dictator, but Texas is able to conduct her own affairs, and be it further

Resolved, That a copy of this resolution be mailed to each member of the Texas delegation, and our United States Senators, and to the Secretary of the Interior, and to our great Democratic President.

WOODRUFF,	POAGE,
MOORE,	HOLBROOK,
PACE,	HORNSBY.
WOODWARD,	

The resolution was read.

Senator Fellbaum moved to substitute the wording of S. S. R. No. 103 for this resolution.

On motion of Senator Pace, the previous question was ordered on the further consideration of the motion and the resolution.

The motion to substitute S. S. R. No. 103 for this resolution was lost.

The resolution was adopted.

## House Bill No. 897.

Senator Woodul asked unanimous consent to suspend the regular order of business and take up H. B. No. 897.

Objection was heard.

Senator Woodul moved to suspend the regular order of business and take up H. B. No. 897.

Senator Duggan raised the point of order that a quorum was lacking.

The roll call showed 23 present.

The motion was lost by the following vote:

## Yeas—12.

Beck.	Rawlings.
Moore.	Redditt.
Neal.	Russek.
Pace.	Sanderford.
Parr.	Woodruff.
Patton.	Woodul.

## Nays—11.

Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Stone.
Hornsby.	Woodward.
Murphy.	

## Absent.

Blackert.	Hopkins.
Cousins.	Martin.
Greer.	Regan.
Holbrook.	Small.

(Two-thirds vote required.)

## Message From the House.

Hall of the House of Representatives,  
Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following resolution:

S. C. R. No. 56, Memorializing the  
National Congress to apportion  
R. F. C. funds to be used for build-  
ing roads in West Texas.

The House has passed the follow-  
ing bill:

H. B. No. 384, A bill to be entitled  
"An Act to amend Article 7149,  
Chapter 6, Title 122, Revised Civil  
Statutes of the State of Texas, 1925,  
relating to the definition of the  
terms 'credit, tract or lot, town or  
district, value, person,' so as to  
change the definition of 'value,' in  
regard to real and other property,  
and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

## House Bill Referred.

H. B. No. 834, referred to Com-  
mittee on State Affairs.

## Senate Simple Resolution No. 105.

Senator Woodul sent up the fol-  
lowing resolution by unanimous con-  
sent:

Whereas, President Roosevelt has  
just submitted to the Senate the  
name of Honorable Jesse Holman  
Jones, of Houston, Texas, for the  
position of Chairman of the Board  
of the Reconstruction Finance Cor-  
poration; and,

Whereas, The said Honorable  
Jesse Holman Jones early in life  
adopted Texas as his home state and  
has added largely to the industrial,  
social and cultural life of this State;  
and,

Whereas, The said Jesse Holman  
Jones has on many occasions  
brought honor and luster to the Na-  
tion, State and Democratic party by  
his efforts; now, therefore, be it

Resolved By the Senate of Texas,  
That we heartily applaud the selec-  
tion and appointment of Mr. Jones  
by the President of these United  
States; be it further

Resolved, That the Secretary of  
the Senate be instructed to send a  
copy of these resolutions by tele-  
gram to the Honorable Franklin D.  
Roosevelt, President of the United  
States, to the two members of the  
United States Senate from Texas,  
and to the Honorable Jesse Holman  
Jones.

WOODUL,	MURPHY,
PATTON,	NEAL,
WOODWARD,	ONEAL,
BECK,	PACE,
BLACKERT,	PARR,
COLLIE,	POAGE,
COUSINS,	PURL,
DeBERRY,	RAWLINGS,
DUGGAN,	REDDITT,
FELLBAUM,	REGAN,
GREER,	RUSSEK,
HOPKINS,	SANDERFORD,
HOLBROOK,	SMALL,
HORNSBY,	STONE,
MARTIN,	WOODRUFF,
MOORE,	

LIEU. GOV. EDGAR E. WITT.

Read and adopted.

## S. C. R. No. 58.

Senator Sanderford received unan-  
imous consent to send up the follow-  
ing resolution:

Whereas, The Congress of the  
United States of America, acting  
upon the recommendation of the  
President, has appropriated a large  
sum of money, namely four billion

(\$4,000,000,000.00) dollars, to aid unemployment among the people of the different states, and

Whereas, Said sum so appropriated is to be known as the reforestation fund to be expended on projects of reforestation, flood control, reclamation and beautifying public parks, and

Whereas, Texas has no government lands upon which reforestation work can be carried on and such sum as may be allotted for Texas will be used on other projects than reforestation, and

Whereas, Texas has more miles of country roads, other than State designated highways, than any state in the Union upon which much work is needed in improving said roads in order to enable rural people to reach the cardinal highways and to make public travel safer for the people who must travel the roads; that said roads are badly in need of improvement and maintenance and that such improvements on our lateral and secondary highways would be of general value to the country people residing in the rural districts and also to the cities and towns which would be more accessible to our country people and of great permanent value in the enhancement of land values; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Forty-third Legislature of the State of Texas do hereby recommend and urgently request that those in authority use their influence in an effort to have the country roads of the State included among the designated projects for the Texas allotment of the appropriation mentioned to the end that the rural sections of the State may share in the distribution and benefits of such sums of money as may be spent in Texas, and be it further

Resolved, That this Legislature recommend that as many of the Texas recruits from the young men of the State be kept in Texas and distributed as near equal in each county as may be possible to the end that each and every part of Texas may receive equal benefits from the expenditure of the funds allotted to the State as well as from the labor of the men given employ-

ment under the provisions of the Act; be it further

Resolved, That a copy of this resolution be mailed to each member of the Texas committee having authority to designate the character of work to be carried on.

MARTIN,  
SANDERFORD.

Read and referred to the Committee on Federal Relations.

#### Senate Bill No. 246.

Senator Parr asked unanimous consent to suspend the regular order of business and take up S. B. No. 246.

Objection was heard.

Senator Parr moved to suspend the regular order of business and take up S. B. No. 246. The motion was lost by the following vote:

Yeas—14.

Beck.	Patton.
Hornsby.	Redditt.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Stone.
Pace.	Woodul.
Parr.	Woodward.

Nays—8.

Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Oneal.	Woodruff.

Present—Not Voting.

Fellbaum.

Absent.

Blackert.	Hopkins.
Cousins.	Martin.
Greer.	Regan.
Holbrook.	Small.

(Two-thirds vote required.)

#### House Bill No. 710.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

H. B. No. 710, A bill to be entitled "An Act providing chattel mortgages, given as security for money advanced to purchase motor vehicles, when registered as required by law, will be superior to the claim of other creditors, though the mo-

tor vehicle may be exposed for sale, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 710 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Beck.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

**Absent.**

Blackert.	Holbrook.
Cousins.	Hopkins.
Greer.	Martin.

Read third time and finally passed by the following vote:

**Yeas—24.**

Beck.	Poage.
Collie.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

**Nay—1.**

DeBerry.

**Absent.**

Blackert.	Holbrook.
Cousins.	Hopkins.
Greer.	Martin.

**House Bill No. 133.**

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Mr. Anderson of Bexar:

H. B. No. 133, A bill to be entitled "An Act amending Article 923 (h), Title 13, Chapter 6, of the Penal Code of the State of Texas, providing for the sale by tanners and taxidermists of specimens in their possession unclaimed after the expiration of ninety days, and exempting said tanners and taxidermists from penalties for possession, sale, barter, and trade of hides, heads, and carcasses of animals during closed seasons."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 133 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Beck.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

**Absent.**

Blackert.	Holbrook.
Cousins.	Hopkins.
Greer.	Martin.

Read third time and finally passed by the following vote:

**Yeas—25.**

Beck.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

**Absent.**

Blackert.	Holbrook.
Cousins.	Hopkins.
Greer.	Martin.

**House Bill No. 136.**

Senator Fellbaum asked unanimous consent to suspend the regular order of business and take up H. B. No. 136.

Objection was heard.

Senator Fellbaum moved to suspend the regular order of business and take up H. B. No. 136. The motion prevailed by the following vote:

**Yeas—16.**

Duggan.	Patton.
Fellbaum.	Rawlings.
Hornsby.	Redditt.
Moore.	Russek.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

**Nays—5.**

Collie.	Poage.
DeBerry.	Purl.
Murphy.	

**Absent.**

Beck.	Hopkins.
Blackert.	Martin.
Cousins.	Regan.
Greer.	Sanderford.
Holbrook.	Small.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Anderson of Bexar:

H. B. No. 136, A bill to be entitled "An Act to amend Article 288, of the Penal Code of the State of Texas, 1925, as amended by Chapter 188, General Laws of the Fortieth Legislature, Regular Session, so as to make it lawful to teach modern languages in certain elementary grades, and in the high school grades, in public free schools, and making it lawful to teach the Spanish language in the elementary grades in the public free schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of 5,000 inhabitants, or more, accord-

ing to the United States census of 1920, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Fellbaum, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 136 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Beck.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

**Absent.**

Blackert.	Holbrook.
Cousins.	Hopkins.
Greer.	Martin.

Read third time and finally passed by the following vote:

**Yeas—21.**

Beck.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

**Nays—4.**

Collie.	Poage.
DeBerry.	Purl.

**Absent.**

Blackert.	Holbrook.
Cousins.	Hopkins.
Greer.	Martin.

**H. C. R. No. 78.**

Senator Duggan called up from the table:

H. C. R. No. 78, Authorizing correction of H. J. R. No. 14.

The resolution was read.

Senator Purl sent up the following amendment:

Amend Concurrent Resolution No. 78 by adding the following:

"Provided the enrolling clerk of the House is hereby authorized to also strike from H. J. R. No. 14 the following:

"The commissioners court shall fix the compensation of all district officers, whose services are confined to one county, and of all county and precinct officers, determine the number of deputies, assistants and clerical personnel of all officers, and fix their compensation'."

PURL,  
DeBERRY.

Read and adopted.

The resolution as amended was adopted.

#### Recess.

Senator Russek moved to recess until 10 o'clock Monday morning.

Senator DeBerry moved to recess until 10 o'clock Saturday morning.

The motion to recess until Monday morning was lost by the following vote:

Yeas—8.

Fellbaum.	Rawlings.
Murphy.	Russek.
Parr.	Woodul.
Patton.	Woodward.

Nays—13.

Collie.	Pace.
DeBerry.	Poage.
Duggan.	Purl.
Hornsby.	Redditt.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	

Absent.

Beck.	Hopkins.
Blackert.	Martin.
Cousins.	Regan.
Greer.	Sanderford.
Holbrook.	Small.

Senator Purl moved to adjourn until 10 o'clock Monday morning. The motion was lost by the following vote:

Yeas—8.

Fellbaum.	Rawlings.
Parr.	Russek.
Patton.	Woodul.
Purl.	Woodward.

Nays—11.

Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Redditt.
Hornsby.	Stone.
Moore.	Woodruff.
Neal.	

Absent.

Beck.	Martin.
Blackert.	Murphy.
Cousins.	Pace.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.

The motion to recess until tomorrow morning prevailed and at 5:25 o'clock p. m., the Senate recessed.

#### APPENDIX.

##### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 265 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 287 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 533 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 234 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 537 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 465 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 529 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 488 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 268 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 251 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 388

carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, May 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 459, A bill to be entitled "An Act to amend Acts 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 13, relating to the issuance of license number plates; providing that said plates shall be manufactured and produced in the State Penitentiary at Huntsville, Texas; providing the State Penitentiary shall also manufacture steel or metal road signs; providing at the discretion of the Highway Department the State Penitentiary may make road signs of wooden material, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, May 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 467, A bill to be entitled "An Act to amend Acts 1931, Forty-second Legislature, Regular Session, page 353, Chapter 210, Section B, relating to the establishment of cemeteries, mausoleums or crematories, so as to provide for the establishment of such cemeteries, mausoleums or crematories within one mile of the city limits of an incorporated city or town under certain restrictions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, May 4, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred



H. B. No. 612, A bill to be entitled "An Act to provide for the propagation and raising of fresh water game fish, in privately owned ponds and lakes, or in streams connecting such privately owned ponds or lakes and not subject to overflow or directly connected with any public lake or public navigable stream, as defined by the laws of Texas; and prescribing conditions and regulations under which such privately owned game fish may be sold, and providing penalties for violation, and describing game fish; repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendments:

Committee Amendment No. 1.

Amend House Bill No. 612 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. It shall be unlawful to sell or offer for sale any of the game fish of this State except such fish as are taken from a lake or pond on private property, when such lake or pond is not fed by any streams and is not subject to overflow from any stream or is not fed by any canal or ditch leading from a stream into such pond or lake. Such pond or lake may be fed by water-shed, by well or by pumping from a stream when the pump line is so screened at the intake as to prevent the passage of any fish through such line into such pond or lake and such screen shall be maintained at all times. And it shall be unlawful for any person to sell any game fish until he has obtained the license herein required.

Sec. 2. It shall be unlawful for any person, firm, corporation or association of persons to sell or offer for sale any of the game fish of this State or to charge any person for the privilege of catching any fish on any property which they own or control until such person, firm, corporation or association of persons has made application for and has obtained from the Game, Fish and Oyster Commission, at its office in Austin, Texas, a Fishing Pre-

serve License for which there shall be paid the sum of five (\$5.00) dollars and which license shall be valid until August 31st following date of issuance, unless same is issued prior to August 31st, 1933, whereupon such license shall be valid until August 31, 1934. Such license shall be valid for only one locality in this State and described in such license. And it shall be unlawful for any person to sell or offer for sale any game fish of this State unless such fish are taken from a pond or lake from which the sale of fish is not prohibited by Section 1 of this Act. And it shall be unlawful to take from any Fishing Preserve for the purpose of sale for food any of the game fish of this State during the months of February, March or April of any year, or for any person to purchase, take, catch or attempt to take or catch any such game fish from any pond, pool, stream, lagoon or other body of water in this State during the months of February, March or April of any year. No Fishing Preserve License shall be required of any person re-selling game fish for food when same are purchased from a person, firm or corporation operating under a Fishing Preserve License.

Sec. 3. It shall be unlawful for any person, firm or corporation of this State to purchase any of the game fish of this State from the operator of a Fishing Preserve unless such fish are accompanied by an invoice. Each such Preserve, where same is located, operator of same and number of license under which he is operating and on such invoice shall be listed the number and weight and species of fish sold and the operator of a Fishing Preserve shall send a duplicate copy of such invoice to the Game, Fish and Oyster Commission at Austin, Texas, at the time of delivery or shipping fish covered by such invoice, and it shall be a violation of this Act for any operator of a Fishing Preserve to sell, ship or deliver game fish that are not accompanied by such invoice correctly made out and unless copy of such invoice has been mailed to the Game, Fish and Oyster Commission. It shall be unlawful for any common carrier to accept game fish for shipment from the operator

of a Fishing Preserve unless such invoice is firmly attached to the package containing the fish being shipped.

Sec. 4. It shall be unlawful for any operator of a Fishing Preserve to ship, deliver, sell or offer for sale any game fish unless each such fish delivered, sold or offered for sale has firmly attached to same a tag procured from the Game, Fish and Oyster Commission at its office in Austin, Texas. Each such tag shall bear a serial number and may be had upon payment of the sum of one cent for each such tag and an additional fifty cents for each order of said tags; provided that no tag shall be required of fingerling or fry sold or delivered for propagation purposes but that the requirements of invoice shall be the same as for other game fish. It shall be unlawful for any person, firm or corporation purchasing game fish from a Fishing Preserve to detach the tag from any game fish purchased until such fish is prepared for cooking or is being released for propagation purposes.

Sec. 5. It shall be unlawful for any person who is operating any Fishing Preserve to sell any game fish or to offer same for sale unless such fish have been propagated within the bounds of the Fishing Preserve which he is operating.

Sec. 6. For the purpose of this Act, bass, including large mouthed black bass (*micropterus salmoides*), spotted bass (*micropterus pseudoplites*), rock bass (*ambloplites rupestris*), yellow bass (*chrysoperca interrupta*), white bass (*lepibema chrysops*) and small mouthed black bass (*micropterus dolomieu*); crappie or white perch, including white crappie (*pomoxis annularis*) and calico bass (*pomoxis sparoides*), warmouth (*chaenobryttus gulosus*), commonly referred to as goggle-eye, green sunfish (*apomotis cyanellus*), commonly referred to as goggle-eye, blue gill and other sun-fish commonly referred to as bream including (*helioperca incisor*), longeared sun-fish (*xenotis megalotis*) and channel catfish (*ictalurus punctatus*) are hereby declared to be and are defined as the game fish of this State.

Sec. 7. Any person who violates any provision of this Act shall be

deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than One Hundred (\$100.00) Dollars nor more than Two Hundred (\$200.00) Dollars and each violation of this Act shall constitute a separate offense.

Sec. 8. All moneys collected from licenses, tags or fines or any other fees imposed by the provisions of this Act shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of the Special Game Fund and used for all of the purposes provided by law for the use of said fund.

Sec. 9. All laws or parts of laws, in so far as they may conflict with any provision of this Act or in so far as they may deny any privilege which it is the purpose of this Act to confer, are hereby repealed.

Sec. 10. The fact that there is no adequate law in this State permitting a person to engage in the business of propagating game fish for sale and the fact that many persons desire to engage in such business, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2.

Amend H. B. No. 612 by striking out all above the enacting clause and inserting in lieu thereof the following:

#### A BILL

#### To Be Entitled

An Act providing for a Fishing Preserve License, the privileges granted under same, the tagging of certain fish sold from a Fishing Preserve, under what conditions a Fishing Preserve License shall be obtained; providing for the issuance of such license and tags for fish by the Game, Fish and Oyster Commission; defining game fish and when same may be taken or sold; providing a penalty for violations of this Act; repealing all laws in conflict with same and declaring an emergency.

REDDITT, Chairman.